

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS PENSION FUND,

Plaintiffs,

-against-

MENSCH MILLWORK CORP.,

23 CV 9703 (JHR)

PROPOSED ORDER

Defendant.

WHEREAS Plaintiff filed a complaint to collect outstanding withdrawal liability from Defendant pursuant to sections 502(g)(2), 515, and 4301(b) of ERISA, 29 U.S.C. §§ 1132(g)(2), 1145, and 1451(b); and

WHEREAS “[b]y virtue of 29 U.S.C. § 1301(b)(1) of ERISA and applicable regulations at 26 C.F.R. §§ 1.414(c)-1 through 1.414(c)-5, all businesses under common control are treated as a single employer for purposes of collecting withdrawal liability, and each is liable for the withdrawal liability of another,” *Corbett v. MacDonald Moving Servs.*, 124 F.3d 82, 86 (2d Cir. 1997);

IT IS ORDERED that Defendant shall identify all businesses under common control and provide such information to Plaintiff within thirty (30) days of this Order.

Dated: New York, New York

June 7, 2024

By: Jennifer H. Rearden
JENNIFER H. REARDEN
United States District Judge